UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE AT GREENEVILLE

UNITED STATES OF AMERICA)	
)	
v.)	NO. 2:13-CR-63
)	
CLIFFORD DENIM)	

ORDER

This criminal matter is before the Court to consider the Report and Recommendation of the United States Magistrate Judge dated August 26, 2013. [Doc. 32]. The Magistrate Judge recommends that the defendant's motions to suppress evidence seized as the result of a warrantless search of his residence on March 30, 2013, and to suppress his statement obtained on March 30, 2013, [Docs. 16 and 17], be denied. The defendant has filed objections to this report. [Doc. 33].

After careful and *de novo* consideration of the Report and Recommendation of the United States Magistrate Judge, the defendant's objections to that Report and Recommendation,¹ the defendant's motion to suppress, the defendant's second motion to suppress, the response of the government, the transcript of the Hawkins County General Sessions hearing held on May 15, 2018, and for the reasons set out in that Report and Recommendation which are incorporated by reference herein, it is hereby **ORDERED** that this Report and Recommendation is **ADOPTED** and

Among other arguments made by defendant is the argument that "Judge Inman simply did not follow the law." Characterizing this argument as his "most important[]," the defendant claims that the Sixth Circuit has held "that warrantless searches on property posted with 'No Trespassing' signs, in tandem with other precautionary efforts by landowners to ensure their privacy, renders warrantless searches presumptively unreasonable," citing *United States v. Hopper*, 58 Fed. App'x 619 (6th Cir. 2003). Defendant misstates the holding of *Hopper*. The quoted language comes from *United States v. Depew*, 8 F.3d 1424, 1427-28 (9th Cir. 1993), which the Sixth Circuit distinguished in *Hopper*. Nothing in the *Hopper* opinion suggests that the Sixth Circuit adopted *Depew*'s holding.

APPROVED, and that the defendant's motions to suppress are **DENIED**. [Docs. 16 and 17]. ENTER:

<u>s/J. RONNIE GREER</u> UNITED STATES DISTRICT JUDGE